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VICTIM OF CRIMINAL OFFENCE COVERED
BY ARTICLE 155 OF THE CRIMINAL CODE OF UKRAINE

Under current conditions Ukraine experiences a number of social, political and legal changes. In the face of overwhelming odds the state has to provide, guard and protect rights, freedoms and interests of the citizens. Article 3 of the Constitution of Ukraine proclaims protection of rights and freedoms of a person as a top- priority task. Especially it concerns minor citizens of Ukraine.

In the International Human Rights Law it has been universally recognised that a child, being physically and mentally immature, needs special protection and care, including legal defence.

Article 10 of the Law of Ukraine «Protection of childhood» from April, 26 , 2001 proclaims that every child is insured the right for freedom, personal security and protection of honour and dignity.

The state insures protection of a child from all forms of physical and psychic violence, offense, cruelty, exploitation, including sexual abuse.

In Part 1 Article 1 the Law of Ukraine «Protection of childhood» that lays down fundamental principles of state policy in relation to protection of childhood, a term «child» is applied to the people under age 18 (full age). At the same time in some articles of the Law (except Articles 24, 33, 34), a term «minor» is used.

The criminal code of Ukraine also conducts defence of the people who haven't reached the state of puberty, viz. Article 155 of CCU «Sexual abuse of an individual that has not reached the state of

puberty» means that physical and moral development of the minors as well as their sexual immunity have been aggressed.

A victim can be of a male or a female gender who has not reached the state of puberty.

Age of puberty is such physical state body that is characterized by the ability to perform completely sexual functions.

Nowadays the state of puberty is established on grounds of forensic psychiatric examination (inspections) in compliance with the bureau of forensic medical examination, signed by Health Ministry from January, 17, 1995 № 6 .

According to these Rules in Ukraine the age of puberty for females at the age of 14-18 is established with early initiation of sex as well as in case of proving bodily injury caused by perforce sexual act.

The age of puberty for males is established at the age of 14-18 years old in cases of sexual offences.

Both males and females under 14 years old are not considered to reach the state of puberty.

Thus, there is an urgent necessity of more thorough crime prevention, the improvement of legislation existing in Ukraine, that is aimed at the protection of sexual inviolability of minors as well as the prevention of these crimes, in particular victim behavior.